

IDAHO BOARD OF MORTICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/11/2017

BOARD MEMBERS PRESENT: Debbie C Mikesell - Chair
Craig L. Geary
James R. Sommer

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Dicsie Gullick, Management Assistant
Candace Villarreal, Technical Records Specialist

OTHERS PRESENT: Mike Parke, Parke Funeral Home
Ken Mallea, Idaho Funeral Service Association
Sherri Ruddai, Funeral Consumers Alliance of Idaho

The meeting was called to order at 9:00 AM MDT by Debbie C Mikesell.

APPROVAL OF MINUTES

Mr. Geary made a motion to approve the minutes of January 10, 2017, February 2, 2017, April 4, 2017 as written and May 31, 2017 with changes. It was seconded by Mr. Sommer. Motion carried.

EXECUTIVE ORDER

Ms. Cory reviewed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Mr. Sommer made a motion to authorize Mr. Geary to work with Ms. Cory on a response and on placing the information on the Board's website for public comment. It was seconded by Mr. Geary. Motion carried.

FINANCIAL REPORT

Ms. Cory gave the financial report, which indicated that the Board had a cash balance of \$41,752.22 as of June 30, 2017.

CONTRACT RENEWAL

Ms. Cory presented the 2018 fiscal year Board Contract. Mr. Sommer made a motion to accept the contract and allow the Chair to sign. It was seconded by Mr. Geary. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Geary made a motion to approve the Bureau's recommendation and authorize closure in case MOR-2017-1. It was seconded by Mr. Sommer. Motion carried.

LEGISLATIVE REPORT

Mr. Toryanski gave the legislative report. The deadline to submit legislative ideas to the Governor's Office is July 14 and the deadline to submit proposed legislation and rule changes to the Governor's Office is August 18 for the 2018 Legislative Session.

BOARD TRAINING

Mr. Toryanski presented Board training on the Open Meeting Law.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

SUBCOMMITTEE REPORT

Mr. Geary presented his report regarding the meeting with the Idaho Funeral Service Association regarding proposed rule changes. He discussed the reinstatement fees, with the IFSA Board and the IFSA Board did not see a need to make any changes to the laws or rules. Renewal applications are sent out six weeks in advance and renewals are always due on the licensee's birthday. Mr. Mallea added to the report stating that the IFSA Board agreed with the IFSA's position and The Board agreed that no change was needed regarding the reinstatement fee.

POTENTIAL LAW AND RULE CHANGES

Mr. Toryanski presented a draft of the proposed rules regarding inactive licenses for the Board to review. The Board suggested a change and asked that Mr. Toryanski redraft the proposed rules and bring it back to the Board later in the meeting.

NEW BUSINESS

NEXT MEETING was scheduled for January 9, 2018 at 9:00AM MST.

FUNERAL CONSUMER ALLIANCE OF IDAHO

Ms. Ruddai from the Funeral Consumers Alliance of Idaho made a presentation to the Board introducing the FCAI and explained how and why it was created. She also asked if the Board receives feedback from the Federal Trade Commission on cases that it is investigating. The Board explained that the FTC is a Federal Agency and explained the Board's jurisdiction.

POTENTIAL LAW AND RULE CHANGES

Mr. Toryanski presented the updated draft of the proposed rules to the Board for review. Mr. Geary made a motion to proceed with submitting the proposed rule as written. It was seconded by Mr. Sommer. Motion carried.

Mr. Geary made a motion to have the Bureau send a postcard that is reviewed by the Chair once the rules are published.

THE CONFERENCE ANNUAL MEETING REPORT

Ms. Mikesell gave a brief report regarding The Conference's Annual Meeting in Hilton Head, SC February 28-March 2, 2017.

THE CONFERENCE ANNUAL MEETING 2018

The Board reviewed information regarding the Conference Annual Meeting February 27-March 1, 2018 in New Orleans, LA. No action was taken.

CORRESPONDENCE

The Board reviewed correspondence from Mr. Waldron regarding removal services and licensure of removal technicians. The Board asked that this item be placed on its to-do list and future agenda for discussion. The Board further directed the Bureau to write to the Conference regarding removal technicians in other states.

The Board reviewed correspondence from Mr. Timmons regarding removals from Oregon. The Board directed the Bureau to respond and direct Mr. Timmons to Idaho Code § 54-1119 and § 54-1120 and advise him that he should follow all state laws, and that he should also check Health & Welfare laws.

The Board reviewed correspondence from Cache Valley Mortuary regarding laws and rules governing graveside services in Idaho. The Board directed Bureau staff to

respond stating that anyone can conduct a graveside service as long as they hold an active Funeral Director or Mortician license in any state and have the correct permits.

The Board reviewed correspondence from the International Conference of Funeral Service Examining Boards regarding the Federation of Associations of Regulatory Boards (FARB) talking points. No action was taken.

The Board reviewed correspondence from FARB regarding their upcoming annual FARB Regulatory Law Seminar. No action was taken.

The Board reviewed correspondence from the American Board of Funeral Service Education Committee on Accreditation. No action was taken

The Board reviewed correspondence from the Conference regarding the Home Funeral Alliance. No action was taken.

The Board reviewed correspondence from the Conference regarding Resolution #1-2016. No action was taken.

The Board reviewed correspondence from the Conference regarding the annual budget. No action was taken.

The Board reviewed correspondence from the Conference regarding disciplinary proceedings in Colorado. No action was taken.

The Board reviewed correspondence from the Conference regarding the invalidation of test scores. No action was taken.

The Board reviewed correspondence from the Conference regarding score report changes. No action was taken.

The Board discussed a voicemail it received regarding a request for continuing education credit. Mr. Geary made a motion to approve the crematory observation for 4 hours of continuing education credit. It was seconded by Mr. Sommer. Motion carried.

EXECUTIVE SESSION

Mr. Geary made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Sommer. The vote was: Mr. Geary, aye; Mr. Sommer, aye; and Ms. Mikesell, aye. Motion carried.

Mr. Geary made a motion to come out of executive session. It was seconded by Mr. Sommer. The vote was: Mr. Geary, aye; Mr. Sommer, aye; and Ms. Mikesell, aye. Motion carried.

Mr. Geary made a motion to approve a request for a 2 year suspension of a resident trainee training period upon documentation of the absence with the understanding they will need to reinstate after 2 years. It was seconded by Mr. Sommer. Motion carried.

Mr. Geary made a motion to accept schooling from ITT Technical Institute as long as the credits meet the requirements of the law. It was seconded by Mr. Sommer. Motion carried.

The Board reviewed correspondence from Mr. Shaver regarding the ability to become a Funeral Director. Mr. Geary made a motion to direct the Bureau to work with corrections to respond to the correspondence. It was seconded by Mr. Sommer. Motion carried.

APPLICATIONS

Mr. Geary made a motion to table the following applications, pending receipt of documents:

MORA-1474

It was seconded by Mr. Sommer. Motion carried.

Mr. Geary made a motion to approve the following for licensure:

SCHMERER, JAMES

It was seconded by Mr. Sommer. Motion carried.

Mr. Geary made a motion to approve the following for licensure:

HUTTON, PHILLIP N

It was seconded by Mr. Sommer. Motion carried.

Mr. Geary made a motion to approve the following for exam:

MOSES, BLAKE

It was seconded by Mr. Sommer. Motion carried.

Mr. Geary made a motion to approve the following applications pending inspection:

901152591

It was seconded by Mr. Sommer. Motion carried.

ADJOURNMENT

Mr. Sommer made a motion to adjourn the meeting at 1:47 PM MDT. It was seconded by Mr. Geary. Motion carried.

Debbie C Mikesell, Chair

Craig L. Geary

James R. Sommer

Tana Cory, Bureau Chief